

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Yoshihiro YAMAGUCHI

Application No.: 09/741,048

Confirmation No.: 5515

Filed: December 21, 2000

Art Unit: 2622

For: IDENTIFICATION PHOTO SYSTEM AND
IMAGE PROCESSING METHOD, WHICH
AUTOMATICALLY CORRECTS IMAGE
DATA OF A PERSON IN AN
IDENTIFICATION PHOTO

Examiner: N. D. Hernandez

**STATEMENT OF SUBSTANCE OF INTERVIEW IN
ACCORDANCE WITH MPEP §713.04**

MS AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Madam:

This Statement of Substance of Interview is being filed prior to payment of the Issue Fee, the outstanding statutory requirement set forth by the last Office Action in the form of the Notice of Allowance that included the Interview Summary sheet referring to two different telephone interview discussion topics. The first discussion topic was the adoption of changes proposed by the Examiner that were the subject matter of the telephone discussions held on January 28, 2009 and February 2, 2009. The second discussion topic on February 4, 2009 concerned the status of claims 58 and 59.

With regard to the first discussion topic, the Examiner's statement on the above-noted Interview Summary sheet correctly indicates that in the January 28, 2009 telephone discussion, changes were proposed by the Examiner to insure against a possible 35 U.S.C. §101 rejection being made. The further statement that one of these suggested changes was approved by

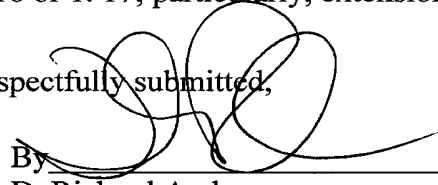
Applicants' representative on February 2, 2009, is also correct. This approval was not based upon the merits of the merely mentioned possibility of a rejection. Instead, the Examiner's suggestion was simply adopted to avoid further delays as to the already protracted prosecution of this application.

The second discussion topic concerned the status of claims 58 and 59. The amendment filed April 24, 2008 actually contained a typographical error in stating that claims 58 and 59 were canceled because claims 58 and 59 had never been added to this application. This error of referring to non-existent claims 58 and 59 as having been canceled was echoed in item 1 of the Action mailed June 25, 2008, and on page 5 of the amendment filed September 24, 2008. Thus, it was acknowledged that claims 58 and 59 were not presently pending claims during the telephone discussion held on February 4, 2009. Furthermore, as claims 58 and 59 never existed, it does no harm to consider these non-existent claims as having been canceled as stated in the amendment filed April 24, 2008.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Dated: **MAR 20 2009**

Respectfully submitted,


By _____
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